UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KEITH RUSSELL JUDD	]	
Petitioner,	]	
	]	
v.	]	**No. 3:10-0504**
	]	**Judge Campbell**
UNITED STATES OF AMERICA	]	
Respondent.	]	

O R D E R

The petitioner, proceeding *pro se*, is an inmate at the Federal Correctional Institution in Texarkana, Texas. On July 30, 2010, an order (Docket Entry No.12) was entered dismissing his § 2241 habeas corpus action for failure to either pay the $5.00 filing fee or submit a properly documented application to proceed in forma pauperis.[1]

Since the entry of this order, the petitioner has filed a motion (Docket Entry No.16) asking the Court to reconsider the dismissal. The basis for the motion is the petitioner's assertion that he did in fact send to the Clerk's Office the $5.00 filing fee.

The docket sheet does not reflect receipt of the filing fee from the petitioner. However, the financial staff for the Clerk's

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[1] The order of dismissal was entered by the Honorable Robert L. Echols, Senior District Judge, who is no longer with the Court.

Office has confirmed that they accepted a money order from the petitioner in an amount equal to the filing fee. Therefore, petitioner's motion to reconsider the dismissal is GRANTED.

The order of dismissal (Docket Entry No.12) is hereby VACATED. The Clerk is directed to REOPEN the instant action.

Venue for a § 2241 petition is proper only in the judicial district within whose territorial jurisdiction the petitioner's custodian can be found. <u>Rumsfeld v. Padilla</u>, 542 U.S. 426, 434-36 (2004); <u>In re Gregory</u>, 181 F.3d 713 (6th Cir. 1999). The petitioner is confined in a federal correctional facility in Texarkana, Texas. Venue for this action, therefore, is not proper in this judicial district.

Texarkana lies within the Eastern District of Texas. 28 U.S.C. § 124(c)(5). Accordingly, the Clerk shall TRANSFER this action to the United States District Court for the Eastern District of Texas, Texarkana Division. 28 U.S.C. § 1406(a).

It is so ORDERED.

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Todd Campbell
United States District Judge